

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2013 OCT -8 PM 2:00

DEPUTY CLERK *Eys*

JOSEPH OYE OGUNTODU, PRO SE,	§	
also known as AYOOLA OGUNTODU,	§	
TDCJ-CID No. 1728590,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:13-CV-0081
	§	
TONY PATE, Law Librarian; SAMANTHA	§	
CARROLL, CO III; PAUL WAKEFIELD,	§	
Sgt.; TOMMIE KING, CO V; and	§	
NFN MUNOZ, CO V,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

Plaintiff JOSEPH OYE OGUNTODU, acting pro se and while a prisoner incarcerated in the Texas Department of Criminal Justice, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants employed by the Texas Department of Criminal Justice and was granted permission to proceed pursuant to Title 28, United States Code, section 1915.

On September 16, 2013, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause with prejudice as frivolous and without prejudice for failure to state a claim on which relief can be granted.

The period for response has expired, and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that

the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff JOSEPH OYE OGUNTODU is DISMISSED WITH PREJUDICE AS FRIVOLOUS AND WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

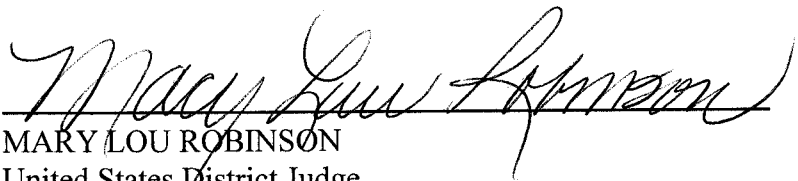
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 8th day of October, 2013.


MARY LOU ROBINSON
United States District Judge